IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5351 of 1985
with
CIVIL APPLICATION NOS. 1249 OF 1988 AND 314 OF 1988

For Approval and Signature:

Hon'ble MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VIJAY SHIP BREAKING CORPN.

Versus

METAL SCRAP TRADE CORPORATION LTD.

Appearance:

1. Special Civil Application No. 5351 of 1985

MR KG VAKHARIA for Petitioner No. 1
MR MJ THAKORE for Respondent No. 1
M/S PURNANAND & CO for Respondent No. 2
MR PR NANAVATI for Respondent No. 2
MR. B.Y. MANKAD, AGP, for Respondent No. 3

CORAM : MR.JUSTICE K.M.MEHTA

Date of decision: 06/03/2002

ORAL JUDGEMENT

Vijay Ship Breaking Corporation-petitioner has filed this petition praying for a writ of mandamus or any other direction directing the respondents to allot the plots and the vessels to the petitioner on the same footing of the allotment of the plot and ship to M/s. Mahalaxmi Ship Breaking Corporation and also to direct the respondents to allot the same number of vessels or vessel weighing equal tonnage of vessels allotted to other Ship Breakers on the basis that the demand registration is on 16.8.1983.

2. This petition was filed on 24.9.1985. When the matter reached hearing the court admitted the matter on 3.10.1985.

3. Mr. P.R. Nanavati, learned advocate, appeared on behalf of Gujarat Maritime Board. He has produced the Regulations called "The Gujarat Maritime Board (Conditions and Procedures for granting permission for utilising shipbreaking plots) Regulation, 1994. He has also produced Gujarat Maritime Board Act, 1981 and in exercise of powers conferred by Sections 37, 38, 39, 41 and 110 and other enabling provisions of the Gujarat Maritime Board Act, 1981, the Gujarat Maritime Board with the previous approval of the Government of Gujarat in Ports and Fisheries Department letter dated 15.6.1984 enacted the Regulation known as the Gujarat Maritime Board (Conditions and Procedures for granting permission for utilising shipbreaking plots) Regulation, 1994.

4. The learned counsel has stated that pursuant to the aforesaid Regulations, auctions have been held in 1994 for giving plots to the concerned persons. In view of this subsequent development, the grievance raised by the petitioner does not survive. The petition is rejected accordingly. Rule is discharged with no order as to costs.

5. In view of the order passed in the main petition, no orders are passed on the Civil Applications. They are disposed of accordingly.

(K.M. MEHTA, J)
(pkn)